

BEFORE THE FLORIDA PUBLIC SERVICE COMMISSION

In re: Investigation to determine whether BellSouth Telecommunications, Inc.'s tariff filing to restructure its late payment charge is in violation of Section 364.051, F.S.

DOCKET NO. 000733-TL  
ORDER NO. PSC-01-0714-PCO-TL  
ISSUED: March 21, 2001

ORDER GRANTING MOTION FOR EXTENSION OF TIME  
IN WHICH TO FILE BRIEFS AND STIPULATION OF FACTS

On June 19, 2000, this docket was established to investigate whether BellSouth Telecommunications, Inc.'s (BellSouth) tariff filing to restructure its late payment charge is in violation of Section 364.051, Florida Statutes. By proposed agency action Order No. PSC-00-1357-PAA-TL, issued July 27, 2000, the Commission found BellSouth's July 9, 1999, tariff filings revising its Late Payment Charge in Section A2 of its General Subscriber Service Tariff and Section B2 of its Private Line Services Tariff in violation of Section 364.051(6)(a), Florida Statutes. The Commission also ordered that the tariffs remain in effect for 30 days from the issuance of the Order. If a timely protest of this Order was filed, then the tariffs were to remain in effect pending the outcome of a hearing with any revenues resulting from the tariff held subject to refund.

On August 17, 2000, BellSouth timely petitioned for a formal hearing. By Order No. PSC-00-2458-PSC-TL, issued December 20, 2000, the Office of Public Counsel's (OPC or Citizens) Notice of Intervention was acknowledged. By Order No. PSC-00-2279-PCO-TL, a hearing was set for April 18, 2001. On December 11, 2000, BellSouth and the OPC filed a Joint Motion to Amend Procedural Schedule, wherein the parties asked that the procedural order be amended to reflect that the case would proceed pursuant to Section 120.57(2), Florida Statutes, and that a briefing schedule was appropriate. By Order No. PSC-01-0228-PCO-TL, issued January 23, 2001, the Joint Motion was granted, and the procedure and schedule for filing briefs on the issues was established.

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On March 12, 2001, BellSouth filed a Motion for Extension of Time in Which to File Briefs and Stipulation of Facts. Therein, BellSouth seeks a two-month extension until May 30, 2001, for all parties to file their briefs and stipulation of facts to allow the parties time to more thoroughly address the issues in this case. No responses to the Motion were filed.

BellSouth believes this additional time is necessary in view of the other ongoing dockets involving these same parties. BellSouth adds that staff counsel and the Office of Public Counsel have both indicated that they do not object to the proposed extension. BellSouth also notes that if the extension is granted, it will continue to collect any revenues from the tariff subject to refund in accordance with the Commission's Order.

Upon consideration, it appears that the requested extension will not unduly prejudice any party nor will it have any detrimental impact on the public interest. Therefore, BellSouth's Motion shall be granted.

Based upon the foregoing, it is therefore,

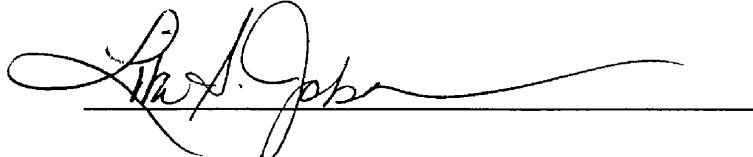
ORDERED by Commissioner Lila A. Jaber, as Prehearing Officer, that BellSouth Telecommunications, Inc.'s Motion for Extension of Time in Which to File Briefs and Stipulation of Facts is granted. It is further

ORDERED that Order No. PSC-01-0228-PCO-TL is modified to reflect that the parties' briefs and stipulation of facts in this proceeding shall be filed on May 30, 2001. It is further

ORDERED that Order No. PSC-01-0228-PCO-TL is hereby affirmed in all other respects.

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By ORDER of Commissioner Lila A. Jaber as Prehearing Officer,  
this 21st Day of March, 2001.



LILA A. JABER  
Commissioner and Prehearing Officer .

( S E A L )

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NOTICE OF FURTHER PROCEEDINGS OR JUDICIAL REVIEW

The Florida Public Service Commission is required by Section 120.569(1), Florida Statutes, to notify parties of any administrative hearing or judicial review of Commission orders that is available under Sections 120.57 or 120.68, Florida Statutes, as well as the procedures and time limits that apply. This notice should not be construed to mean all requests for an administrative hearing or judicial review will be granted or result in the relief sought.

Mediation may be available on a case-by-case basis. If mediation is conducted, it does not affect a substantially interested person's right to a hearing.

Any party adversely affected by this order, which is preliminary, procedural or intermediate in nature, may request: (1) reconsideration within 10 days pursuant to Rule 25-22.0376, Florida Administrative Code, if issued by a Prehearing Officer; (2) reconsideration within 15 days pursuant to Rule 25-22.060, Florida

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Administrative Code, if issued by the Commission; or (3) judicial review by the Florida Supreme Court, in the case of an electric, gas or telephone utility, or the First District Court of Appeal, in the case of a water or wastewater utility. A motion for reconsideration shall be filed with the Director, Division of Records and Reporting, in the form prescribed by Rule 25-22.060, Florida Administrative Code. Judicial review of a preliminary, procedural or intermediate ruling or order is available if review of the final action will not provide an adequate remedy. Such review may be requested from the appropriate court, as described above, pursuant to Rule 9.100, Florida Rules of Appellate Procedure.